

Remarks

Claim 4 is cancelled and claims 1 and 5 are amended. Claims 1 to 3 and 5 to 14 are pending in this application of which only claims 1 and 6 are in independent form. Claims 6 to 11 and 13 are allowed.

Claims 1 to 5 and 12 were rejected under 35 USC 103(a) as being unpatentable over the Leica Company brochure (hereinafter referred to as "Leica") in view of Kashiba et al. Claim 1 is amended to incorporate all the features and limitations of claim 4 and the following will show that claim 1, as amended, patentably distinguishes the invention over this combination of references.

On page 5 of the action, the Examiner states that he has not tried to incorporate the structure of the focus optic provided by Kashiba et al into the focus optic provided by the Leica Company brochure. Applicants respectfully submit that our person of ordinary skill must do this or something akin to this to come into possession of the applicants' invention relying exclusively on the teaching of the Leica and Kashiba et al references and without the benefit of a roadmap in the form of the applicants' disclosure. Simply making available another monocular apparatus using a single belt drive for fine adjustment in combination with a mechanical gear assembly for a coarse drive adjustment cannot provide a motivation to redesign the Leica device to accommodate only the belt drive from Kashiba et al assuming that this would even be possible (which applicants deny) without a radical

redesign of the entire Leica mechanism.

Both the Leica and Kashiba et al devices use a single belt drive and do not address the problem solved by the applicants' invention, namely, providing a very exact transfer of the movement of the adjusting drives to the focusing optic. This movement is initiated via the fine drive and the coarse drive of the applicants' invention. This is ensured in that the coarse drive includes a first belt drive with which the coarse drive and the focusing optic are operatively connected to each other and in that a second belt drive is provided for connecting the fine drive and the focusing optic to each other.

Assuming, arguendo, that it had been obvious at the time of the present invention to import the teachings of Kashiba et al into Leica (which applicants also deny) there is no clear and convincing evidence that such importation would inevitably and obviously lead to the present invention.

Applicants submit that there must be some motivation to incorporate the structure of the focus optic provided by Kashiba et al into the focus optic provided by Leica. Making available another monocular using a single belt drive in combination with a gear assembly for a coarse drive cannot provide a motivation to redesign the Leica monocular to accommodate only that portion of Kashiba et al which relates to the fine drive assuming this would even be possible. There is no thread which would lead our artisan to even want to retrofit or modify Leica with only a portion of Kashiba et al and completely disregard the slip mechanism disclosed therein. Our person of ordinary skill looking at these two references would conclude

that the way to go in designing a focusing mechanism is to use a single belt for focusing either fine or coarse and to use a gearing assembly for achieving that mode (fine or coarse) not provided by the single belt drive. Thus, looking at these two publications, one can see that the trend in the design of monoculars is to provide only a single belt drive in connection with the adjustment of fine and coarse modes of operation in focusing optic assemblies.

The foregoing notwithstanding, the applicants have amended claim 1 to place their invention still farther away from the combination of Leica and Kashiba et al. More specifically, claim 1 is amended to incorporate therein all the features and limitations of claim 4 which includes the clause:

"said coarse actuating element and  
said fine actuating element being disposed  
in spaced relationship to each other."  
(emphasis added)

On page 3 of the action, the Examiner expresses the view that:

"The use of two actuating elements for coarse and fine focusing mounted on the frame of the telescope and spaced relationship to each other is shown in the figure on the front page of the brochure."

The applicants respectfully disagree with this view because the two actuating elements for coarse and fine focusing are mounted so as to be contiguous with respect to each other as can be seen on the front page of the brochure submitted herewith as Exhibit A. The two actuating elements are identified on this front page by the numerals 1 and 2. A still better view showing the contiguous configuration of the two actuating elements is

seen in the enclosed sheet of the brochure marked Exhibit B. Here too, the contiguous actuating elements are identified by numerals 1 and 2.

More importantly, there is no indication in this brochure which could lead our person of ordinary skill to hit upon the idea of mounting the two actuating elements in spaced relationship from each other as set forth in applicants' claim 1. Indeed, not even the problem associated with two contiguous actuating elements is mentioned in Leica. However, the problem is addressed by the applicants in their disclosure in the paragraph on page 3, starting at line 15:

"It has been shown to be advantageous to arrange the actuating element of the coarse drive at a spacing to the actuating element of the fine drive. These actuating elements are preferably rotatable knobs. In this way, it is ensured that the user of the optical apparatus (for example, a monocular telescope) does not inadvertently actuate the coarse drive when actuating the fine drive. An inadvertent slippage especially from the fine drive to the coarse drive is prevented. In this way, an unwanted defocusing is prevented where an already coarsely focused object vanishes from the field of view and can only be focused upon anew with difficulty."

Thus, the user of the Leica monocular can easily inadvertently actuate the coarse actuating element when the operator should be actuating the fine adjustment element and vice versa. This is especially the case in cold climates where the user of the monocular is wearing thick gloves so that it can be seen that the Leica monocular can quickly become cumbersome to work with.

Neither the problem realized nor the solution presented by

the applicants' invention is suggested in either one of the references.

For the reasons advanced above, claim 1, as amended, should now patentably distinguish the applicants' invention over the combination of Leica and Kashiba et al and be allowable. Claims 2, 3, 5, 12 and 14 are all dependent from claim 1 so that these claims too should now be allowable.

Reconsideration of this application is earnestly solicited.

Respectfully submitted,



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